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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,456	12/12/2001	Heinz-Dieter Beeck	22064	2533

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THE FIRM OF KARL F ROSS  
5676 RIVERDALE AVENUE  
PO BOX 900  
RIVERDALE (BRONX), NY 10471-0900

EXAMINER

DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/018,456

Applicant(s)

BEECK ET AL.

Examiner

Joseph S. Del Sole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 6 is/are rejected.
- 7) ☒ Claim(s) 1,3-5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.

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- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. The disclosure is objected to because of the following informalities: **a)** the specification lacks the sections and section headings as discussed above; **b)** "the spinning hole pattern is always in" at line 4 of page 4 should be deleted because the exact phrase redundantly appears just previously at line 3.

Appropriate correction is required.

#### ***Claim Objections***

3. Claims 1 and 3 are objected to because of the following informalities: **a)** "a filter arrangement" at line 2 of claim 1 should be changed to --a filter arrangement--; and **b)** "a filter arrangement" at line 2 of claim 3 should be changed to --a filter arrangement--.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 2 is vague and indefinite because the limitation "and optional type" at line 4 is unclear. The phrase "optional type" could indicate that the filter disks are of different optional type. However this is either not grammatically correct, or the term "optional" is meant to indicate a type of filter type; both of which are vague, indefinite and unclear. The specification does not clarify this issue since the filter disks are not discussed with regard to "optional type".

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder et al (5,601,854) in view of Coates (3,768,661).

Schroeder et al teach a spinneret having a central inlet passage (Fig 3, #6); a filter arrangement (Fig 3, #8) of one filter disk; a spinneret plate (Fig 3, #9); a housing (Fig 3, #10) surrounding and receiving the filter arrangement and the spinneret plate; the spinneret plate is secured to the housing.

Schroeder et al fail to teach the spinneret plate being a material with a higher thermal expansion coefficient than that of the material from which the housing surrounding it is fabricated.

Coates teaches a spinneret component (Fig 1, #23) secured to the housing due to being a material with a higher thermal expansion coefficient than that of the housing (col 2, lines 13-37) for the purpose of producing differential expansion and good sealing (col 1, lines 5-30 and col 2, lines 52-56).

It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the invention of Schroeder et al by providing different materials as the materials of the sealed components as taught by Coates because it simplifies sealing without additional components.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scheiber et al (5,387,097) in view of Coates (3,768,661).

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Scheiber et al teach a spinneret having a central inlet passage (Fig 1, #19); a filter arrangement (Fig 1, #3) of one filter disk; a spinneret plate (Fig 1, #11); a housing (Fig 1, #4) surrounding and receiving the filter arrangement and the spinneret plate; the spinneret plate is secured to the housing.

Scheiber et al fail to teach the spinneret plate being a material with a higher thermal expansion coefficient than that of the material from which the housing surrounding it is fabricated.

Coates teaches a spinneret component (Fig 1, #23) secured to the housing due to being a material with a higher thermal expansion coefficient than that of the housing (col 2, lines 13-37) for the purpose of producing differential expansion and good sealing (col 1, lines 5-30 and col 2, lines 52-56).

It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the invention of Scheiber et al by providing different materials as the materials of the sealed components as taught by Coates because it simplifies sealing without additional components.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Scheiber et al (5,387,097) or Schroeder et al (5,601,854) in view of Coates (3,768,661) and further in view of EP0623693A2.

Scheiber et al, Schroeder et al and Coates teach the apparatus as discussed above.

Scheiber et al and Schroeder et al each fail to teach spinneret plate having at its lower half a thread which is screwed into the housing, whereby the thread and the stop

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of the spinneret plate in the housing are so formed that the spinning orifice pattern always has the same orientation.

EP0623693A2 teaches a spinneret plate (Fig 3, #6) having a thread screwed into the housing for the purpose of interconnecting the spinneret to outer components (abstract).

It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the invention of either Scheiber et al or Schroeder et al with the spinneret plate having a thread screwed into the housing as taught by EP0623693A2 because it enables the spinneret body to be connected to components outside the housing

***Allowable Subject Matter***

12. Claims 1, 3-5 and 7 are objected to for the reasons stated above or are objected to for being dependent upon an objected base claim, but would be allowable if rewritten to overcome the objections stated above.

13. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest a spinneret having a filter arrangement of filter disks having different filter fineness, wherein the filter arrangement has no sealing enclosure; a spinneret plate and a housing surrounding the filter arrangement and the spinneret plate wherein the spinneret plate or filter arrangement is comprised of a material with a higher thermal expansion coefficient than that of the material of the housing. The prior art, including Mott (3,724,064), while teaching filter disks (Fig 5, #10' and 10''), fails to teach the filter disks having different filter fineness;



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Coates (3,768,661) teaches a single disk having coarser and finer pores at two surfaces (col 1, lines 49-53).

**Correspondence**

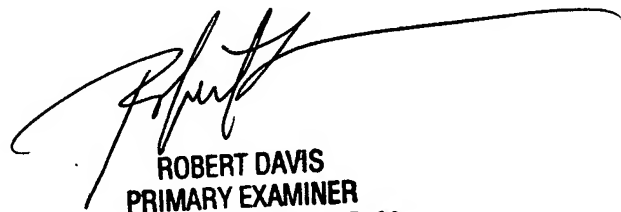
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Del Sole whose telephone number is (703) 308-6295. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for non-after finals and (703) 872-9311 for after finals.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Joseph S Del Sole

J.S.D.  
June 25, 2003



ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300, 1700

6/20/03